

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/15/2011

LEVIN

Plaintiff(s)

CERTIFICATE OF MAILING

Case No.: 09CV5900 (RPP)

-v-

BANK OF NEW YORK, ET AL.,

Defendant(s)

I hereby certify under the penalties of perjury that on 15th day of DECEMBER, 2011, I served:
(SEE LETTER ATTACHED)

☐ One copy of the _____

by _____, to the individual of the
foreign state, pursuant to the provisions of FRCP 4(f)(2)(c)(ii).

☐ One copy of the _____

by _____, to the head of the ministry
of foreign affairs, pursuant to the provisions of Foreign Services Immunities Act, 28 U.S.C. §
1608(a)(3).

☒ Two copies of the DOCUMENTS ITEMIZED IN THE ATTACHED LETTER

by FED EX 8647 0990 2474, to the Secretary of State,
Attn: Director of Consular Services, Office of Policy Review and Inter-Agency Liaison
(CA/OCS/PRI), U.S. Department of State, SA-29, 4th Floor, 2201 C Street NW, Washington, DC
20520, pursuant to the provisions of Foreign Services Immunities Act, 28 U.S.C. § 1608(a)(4).

☐ One copy of the _____

by _____, to the head of the agency or
instrumentality of the foreign state, pursuant to the provisions of Foreign Services Immunities
Act, 28 U.S.C. § 1608(b)(3)(B).

Dated: New York, New York
DECEMBER 15, 2011

RUBY J. KRAJICK
CLERK OF COURT


Print Name: JEANINE VIERASANT
DEPUTY CLERK OF COURT

FedEx
Tracking
Number

8647 0990 2474

1 From Please print and press hard.

Date 12/14/11

Sender's FedEx
Account Number

SENDER'S FEDEX ACCOUNT NUMBER ONLY

Sender's
Name

Judy Goodwin

Phone (212) 806-5400

Company

Stroock & Stroock & Lavan LLP

Address

180 Maiden Lane

Dept./Floor/Suite/Room

City

New York

State

NY

ZIP

10038

2 Your Internal Billing Reference

First 24 characters will appear on invoice.

OPTIONAL

3 To

Recipient's
NameSecretary of State
Attn: Director of Special Consular Services

Phone ()

Company

C/O: Director, Office of Policy Review & Inter-Agency Liaison
U.S. Department of State (CA/OCS/PRI)Recipient's
Address

SA-29, 4th Floor

We cannot deliver to P.O. boxes or P.O. ZIP codes.

Dept./Floor/Suite/Room

Address

2201 C Street NW

To request a package be held at a specific FedEx location, print FedEx address here.

City

Washington, DC

State

ZIP

20520



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Simplify your shipping. Manage your account. Access all the tools you need.

4a Express Package Service

Packages up to 150 lbs.

☐ FedEx Priority Overnight
Next business morning.* Friday
shipments will be delivered on Monday
unless SATURDAY Delivery is selected.☒ FedEx Standard Overnight
Next business afternoon.*
Saturday Delivery NOT available.☐ FedEx First Overnight
Earliest next business morning
delivery to select locations.*
Saturday Delivery NOT available.☐ FedEx 2Day
Second business day.* Thursday
shipments will be delivered on Monday
unless SATURDAY Delivery is selected.☐ FedEx Express Saver
Third business day.*
Saturday Delivery NOT available.

*FedEx Envelope rate not available. Minimum charge: One-pound rate.

*To most locations.

4b Express Freight Service

Packages over 150 lbs.

☐ FedEx 1Day Freight*
Next business day.** Friday
shipments will be delivered on Monday
unless SATURDAY Delivery is selected.☐ FedEx 2Day Freight
Second business day.* Thursday
shipments will be delivered on Monday
unless SATURDAY Delivery is selected.☐ FedEx 3Day Freight
Third business day.**
Saturday Delivery NOT available.

*Call for Confirmation.

**To most locations.

5 Packaging

☐ FedEx
Envelope*☐ FedEx Pak*
Includes FedEx Small Pak,
FedEx Large Pak, and FedEx Sturdy Pak.☐ FedEx
Box☐ FedEx
Tube☒ Other
*Declared value limit \$500.

6 Special Handling

Include FedEx address in Section 3.

☐ SATURDAY Delivery
NOT Available for
FedEx Standard Overnight,
FedEx First Overnight, FedEx Express
Saver, or FedEx 3Day Freight.☐ HOLD Weekday
at FedEx Location
NOT Available for
FedEx First Overnight.☐ HOLD Saturday
at FedEx Location
Available ONLY for
FedEx Priority Overnight and
FedEx 2Day to select locations.

Does this shipment contain dangerous goods?

☒ No ☐ Yes
One box must be checked.☐ Yes
As per attached
Shipper's Declaration.☐ Yes
Shipper's Declaration
not required.☐ Dry Ice

Dry Ice, 9, UN 1845

☐ Cargo Aircraft Only

7 Payment Bill to:

Enter FedEx Acct. No. or Credit Card No. below.

☒ Sender
Acct. No. in
Section 1 will
be billed.☐ Recipient☐ Third Party☐ Credit Card☐ Cash/CheckFedEx Acct. No.
Credit Card No.Exp.
Date

Total Packages

Total Weight

Total Declared Value†

\$.00

†Our liability is limited to \$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this Airbill and in the current FedEx Service Guide, including terms that limit our liability.

8 Residential Delivery Signature Options

If you require a signature, check Direct or Indirect.

☐ No Signature
Required
Package may be left
without obtaining a
signature for delivery.☒ Direct Signature
Someone at recipient's
address may sign for
delivery. Fee applies.☐ Indirect Signature
If no one is available at
recipient's address, someone
at a neighboring address may
sign for delivery. Fee applies.

520

Rev. Date 10/06/Part #156281 ©1994-2006 FedEx-PRINTED IN U.S.A. SRY

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STROOCK

CONFIDENTIAL

By Hand

December 15, 2011

Judy Peacock Goodwin
Direct Dial 212-806-5540
Direct Fax 212-806-6006
jgoodwin@stroock.com

Ms. Ruby J. Krajick, Clerk of Court
United States District Court
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007

Re: Request for Service Upon a Foreign State and Political Subdivisions
Pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. §1608(a)(4)

Dear Ms. Krajick:

I write on behalf of a group of judgment creditors of the Islamic Republic of Iran who are parties to the action titled Levin v. Bank of New York, et al., Case No. 09 Civ. 5900 (RPP) (MHD), to respectfully request the Court's and the U.S. Department of State's assistance with effecting service of process upon a foreign state and two political subdivisions thereof pursuant to the Foreign Sovereign Immunities Act, 28 U.S.C. §1608(a)(4). This service of process was directed by order of the Court (Patterson, J.) in the Levin action on September 16, 2011.

Pursuant to 28 U.S.C. §1608(a)(3), we attempted service of process on the Islamic Republic of Iran and two of its political subdivisions, the Iranian Ministry of Information and Security and the Iranian Islamic Revolutionary Guard Corps. (collectively, the "Service Recipients") on November 21, 2011. The Clerk of the Court dispatched our service documents to the Service Recipients on November 22, 2011, via DHL International mail, signed receipt requested.

These shipments were rejected by the Service Recipients on November 26, 2011, and the packages were returned to our offices on December 1, 2011. Copies of the DHL tracking statements for these packages are attached as Exhibit 1. Service having failed

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under 28 U.S.C. §1608(a)(3) due to the Service Recipients' rejection of the packages, any further attempts to effect service upon them pursuant to §1608(a)(3) would be futile. Accordingly, we now respectfully request assistance with effecting service pursuant to 28 U.S.C. §1608(a)(4).

Section 1608(a)(4) requires two copies of the service documents, along with payment of U.S. Department of State service fee, to be dispatched by the Clerk of Court to the Secretary of State in Washington, District of Columbia, to the attention of the Director of Special Consular Services. The Secretary shall transmit one copy of the service documents through diplomatic channels to the Service Recipients and send to the Clerk of the Court a certified copy of the diplomatic note indicating when the papers were transmitted.

Accordingly, and in accordance with this Court's published procedures for service pursuant to §1608(a)(4), following below is (1) a list of the names, titles and addresses of each party we are requesting to be served, (2) the specific documents we are requesting to be served upon such parties, and (3) details concerning the specific method of service being requested.

The Three Parties to Be Served

The Islamic Republic of Iran
Attn: Hon. Ali Akbar Salehi, Foreign Minister
Ministry of Foreign Affairs
Khomeini Avenue and United Nations Street
Tehran
Iran

The Iranian Ministry of Information and Security
Attn: Hon. Ali Akbar Salehi, Foreign Minister
Ministry of Foreign Affairs —
Khomeini Avenue and United Nations Street
Tehran
Iran

The Iranian Islamic Revolutionary Guard Corps.
Attn: Hon. Ali Akbar Salehi, Foreign Minister
Ministry of Foreign Affairs
Khomeini Avenue and United Nations Street
Tehran
Iran

Documents to Be Served Upon Each Party

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Enclosed for forwarding to the Secretary of State for service upon each of the Service Recipients are two sets of copies of the following documents (pre-assembled into separate bundles for each of the three parties to be served):

- (1) Notice of Suit drafted pursuant to 22 C.F.R. §93.2, Summons and two Third-Party Complaints of Citibank, N.A., both dated September 21, 2011, along with Farsi translations of the same documents with accompanying translators' affidavits;
- (2) Notice of Suit drafted pursuant to 22 C.F.R. §93.2, Summons and Additional Amended and Supplemental Third-Party Complaint of The Bank of New York Mellon, dated October 6, 2011, along with Farsi translations of the same documents with accompanying translators' affidavits; and
- (3) Notice of Suit drafted pursuant to 22 C.F.R. §93.2, Summons and Additional Amended and Supplemental Third-Party Complaint of JPMorgan Chase & Co. and JPMorgan Chase Bank, N.A., dated October 6, 2011, along with Farsi translations of the same documents with accompanying translators' affidavits;✓

An additional copy-set of each of the above service documents has also been included for the Court's file.

Method of Service Requested:

We respectfully request that service to the U.S. State Department be made via FedEx. To that end, we have enclosed one box sufficient to hold two sets of service documents and three cashier's checks, each made out to "U.S. Embassy Bern". We also enclose a FedEx waybill addressed to the Secretary of State and bearing our firm's return address and FedEx account number.

Thank you in advance for your assistance, which is greatly appreciated. Should you require any additional information or materials to effect the requested service, please do not hesitate to contact me.

Respectfully submitted,


Judy Peacock Goodwin

Confidential Enclosures

cc: Director of Special Consular Services, U.S. Department of State (by FedEx)

EXHIBIT 1



Express

Logistics

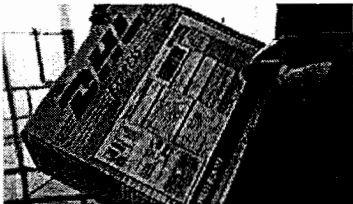
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- Import Services
- Domestic Services
- Optional Services
- Industry Solutions
- Small Business Solutions
- Resource Center

Result Summary

Waybill: 7414102205



Returned to shipper

Thursday, December 01, 2011 at 11:59

Origin Service Area: > NEW YORK, NY - NEW YORK - USA

Destination Service Area: > TEHRAN - TEHRAN - IRAN (ISLAMIC REPUBLIC OF)

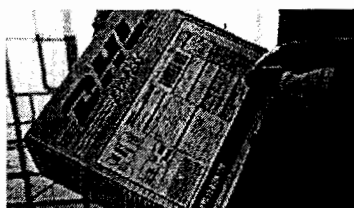
Thursday, December 01, 2011		Location	Time
28	Returned to shipper	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	11:59
27	Shipment on hold	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	09:05
Wednesday, November 30, 2011		Location	Time
26	Shipment on hold	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	09:17
Tuesday, November 29, 2011		Location	Time
25	Shipment on hold	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	09:18
Monday, November 28, 2011		Location	Time
24	Shipment on hold	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	09:30
Sunday, November 27, 2011		Location	Time
23	Shipment on hold	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	09:54
Saturday, November 26, 2011		Location	Time
22	Recipient refused delivery	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	13:22
21	With delivery courier	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	08:49
20	Arrived at Delivery Facility in TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	08:06
19	Departed Facility in TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	07:59
18	Arrived at Sort Facility TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	07:37
Friday, November 25, 2011		Location	Time
17	Departed Facility in AE - HUB & GATEWAYS - UNITED ARAB EMIRATES	AE - HUB & GATEWAYS - UNITED ARAB EMIRATES	23:06
16	Processed at AE - HUB & GATEWAYS - UNITED ARAB EMIRATES	AE - HUB & GATEWAYS - UNITED ARAB EMIRATES	19:27
15	Arrived at Sort Facility AE - HUB & GATEWAYS - UNITED ARAB EMIRATES	AE - HUB & GATEWAYS - UNITED ARAB EMIRATES	14:44
14	Departed Facility in BAHRAIN - BAHRAIN	BAHRAIN - BAHRAIN	10:07
13	Processed at BAHRAIN - BAHRAIN	BAHRAIN - BAHRAIN	05:19
12	Arrived at Sort Facility BAHRAIN - BAHRAIN	BAHRAIN - BAHRAIN	02:21
Thursday, November 24, 2011		Location	Time



Wednesday, November 23, 2011		Location	Time
11	Departed Facility in CINCINNATI HUB - USA	CINCINNATI HUB, OH - USA	05:16
10	Processed at CINCINNATI HUB - USA	CINCINNATI HUB, OH - USA	14:45
9	Clearance processing complete at CINCINNATI HUB - USA	CINCINNATI HUB, OH - USA	00:05
8	Shipment on hold	CINCINNATI HUB, OH - USA	00:02
7	Clearance delay	CINCINNATI HUB, OH - USA	05:41
6	Shipment on hold	CINCINNATI HUB, OH - USA	05:26
5	Arrived at Sort Facility CINCINNATI HUB - USA	CINCINNATI HUB, OH - USA	01:37
Tuesday, November 22, 2011		Location	Time
4	Departed Facility in NEW YORK - USA	NEW YORK, NY - USA	22:12
3	Processed at NEW YORK - USA	NEW YORK, NY - USA	22:05
Thursday, November 10, 2011		Location	Time
2	Shipment on hold	CINCINNATI HUB, OH - USA	22:49
Tuesday, November 22, 2011		Location	Time
1	Shipment picked up	NEW YORK, NY - USA	15:53
Waybill: 7414102205		Thursday, December 01, 2011 at 11:59	
 Returned to shipper		Origin Service Area: > NEW YORK, NY - NEW YORK - USA	
		Destination Service Area: > TEHRAN - TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	

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Result Summary

Waybill: 7414090633



Returned to shipper

Thursday, December 01, 2011 at 12:01

Origin Service Area: > NEW YORK, NY - NEW YORK - USA

Destination Service Area: > TEHRAN - TEHRAN - IRAN (ISLAMIC REPUBLIC OF)

Thursday, December 01, 2011

27 Returned to shipper

26 Shipment on hold

Wednesday, November 30, 2011

25 Shipment on hold

Tuesday, November 29, 2011

24 Shipment on hold

Monday, November 28, 2011

23 Shipment on hold

Sunday, November 27, 2011

22 Recipient refused delivery

21 With delivery courier

Saturday, November 26, 2011

20 Arrived at Delivery Facility in TEHRAN - IRAN (ISLAMIC REPUBLIC OF)

19 Departed Facility in TEHRAN - IRAN (ISLAMIC REPUBLIC OF)

18 Clearance processing complete at TEHRAN - IRAN (ISLAMIC REPUBLIC OF)

17 Arrived at Sort Facility TEHRAN - IRAN (ISLAMIC REPUBLIC OF)

Friday, November 25, 2011

16 Departed Facility in AE - HUB & GATEWAYS - UNITED ARAB EMIRATES

15 Processed at AE - HUB & GATEWAYS - UNITED ARAB EMIRATES

14 Processed at AE - HUB & GATEWAYS - UNITED ARAB EMIRATES

Thursday, November 24, 2011

13 Arrived at Sort Facility AE - HUB & GATEWAYS - UNITED ARAB EMIRATES

12 Departed Facility in BAHRAIN - BAHRAIN

11 Processed at BAHRAIN - BAHRAIN

Location	Time
TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	12:01
TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	09:05
TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	09:17
TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	09:18
TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	09:11
TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	15:04
TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	09:13
TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	15:08
TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	15:04
TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	15:01
TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	14:56
AE - HUB & GATEWAYS - UNITED ARAB EMIRATES	23:06
AE - HUB & GATEWAYS - UNITED ARAB EMIRATES	18:19
AE - HUB & GATEWAYS - UNITED ARAB EMIRATES	06:12
AE - HUB & GATEWAYS - UNITED ARAB EMIRATES	22:18
BAHRAIN - BAHRAIN	15:18
BAHRAIN - BAHRAIN	13:38

**Wednesday, November 23, 2011**

		Location	Time
10	Shipment on hold	BAHRAIN - BAHRAIN	05:35
9	Arrived at Sort Facility BAHRAIN - BAHRAIN	BAHRAIN - BAHRAIN	02:10
8	Departed Facility in CINCINNATI HUB - USA	CINCINNATI HUB, OH - USA	05:18
7	Processed at CINCINNATI HUB - USA	CINCINNATI HUB, OH - USA	04:44
6	Shipment on hold	CINCINNATI HUB, OH - USA	04:09
5	Arrived at Sort Facility CINCINNATI HUB - USA	CINCINNATI HUB, OH - USA	01:37

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Tuesday, November 22, 2011

		Location	Time
4	Departed Facility in NEW YORK - USA	NEW YORK, NY - USA	22:12
3	Processed at NEW YORK - USA	NEW YORK, NY - USA	22:05

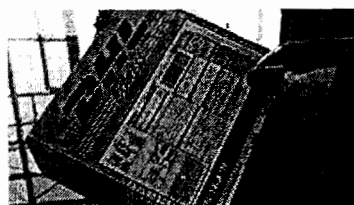
Thursday, November 10, 2011

		Location	Time
2	Shipment on hold	CINCINNATI HUB, OH - USA	22:49

Tuesday, November 22, 2011

		Location	Time
1	Shipment picked up	NEW YORK, NY - USA	15:53

Waybill: 7414090633**Returned to shipper****Thursday, December 01, 2011 at 12:01****Origin Service Area:** > NEW YORK, NY - NEW YORK - USA**Destination Service Area:** > TEHRAN - TEHRAN - IRAN (ISLAMIC REPUBLIC OF)**Hide Details****Try New Search**


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Result Summary

Waybill: 7414103900

Returned to shipper

Thursday, December 01, 2011 at 12:00**Origin Service Area:** > NEW YORK, NY - NEW YORK - USA**Destination Service Area:** > TEHRAN - TEHRAN - IRAN (ISLAMIC REPUBLIC OF)

Thursday, December 01, 2011		Location	Time
28	Returned to shipper	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	12:00
27	Shipment on hold	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	09:05
Wednesday, November 30, 2011		Location	Time
26	Shipment on hold	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	09:17
Tuesday, November 29, 2011		Location	Time
25	Shipment on hold	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	09:18
Monday, November 28, 2011		Location	Time
24	Shipment on hold	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	09:30
Sunday, November 27, 2011		Location	Time
23	Shipment on hold	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	09:55
Saturday, November 26, 2011		Location	Time
22	Recipient refused delivery	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	13:22
21	With delivery courier	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	08:49
20	Arrived at Delivery Facility in TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	08:06
19	Departed Facility in TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	07:59
18	Arrived at Sort Facility TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	TEHRAN - IRAN (ISLAMIC REPUBLIC OF)	07:39
Friday, November 25, 2011		Location	Time
17	Departed Facility in AE - HUB & GATEWAYS - UNITED ARAB EMIRATES	AE - HUB & GATEWAYS - UNITED ARAB EMIRATES	23:06
16	Processed at AE - HUB & GATEWAYS - UNITED ARAB EMIRATES	AE - HUB & GATEWAYS - UNITED ARAB EMIRATES	16:58
Thursday, November 24, 2011		Location	Time
15	Arrived at Sort Facility AE - HUB & GATEWAYS - UNITED ARAB EMIRATES	AE - HUB & GATEWAYS - UNITED ARAB EMIRATES	22:18
14	Departed Facility in BAHRAIN - BAHRAIN	BAHRAIN - BAHRAIN	15:18
13	Processed at BAHRAIN - BAHRAIN	BAHRAIN - BAHRAIN	13:38
12	Shipment on hold	BAHRAIN - BAHRAIN	05:35

Deutsche Post DHL

Wednesday, November 23, 2011

		Location	Time
11	Arrived at Sort Facility BAHRAIN - BAHRAIN	BAHRain - BAHRAIN	02:10
10	Departed Facility in CINCINNATI HUB - USA	CINCINNATI HUB, OH - USA	04:18
9	Processed at CINCINNATI HUB - USA	CINCINNATI HUB, OH - USA	04:44
8	Clearance processing complete at CINCINNATI HUB - USA	CINCINNATI HUB, OH - USA	04:10
7	Shipment on hold	CINCINNATI HUB, OH - USA	04:08
6	Clearance delay	CINCINNATI HUB, OH - USA	02:28
5	Arrived at Sort Facility CINCINNATI HUB - USA	CINCINNATI HUB, OH - USA	01:38

Tuesday, November 22, 2011

		Location	Time
4	Departed Facility in NEW YORK - USA	NEW YORK, NY - USA	22:12
3	Processed at NEW YORK - USA	NEW YORK, NY - USA	22:05

Thursday, November 10, 2011

		Location	Time
2	Shipment on hold	CINCINNATI HUB, OH - USA	22:49

Tuesday, November 22, 2011

		Location	Time
1	Shipment picked up	NEW YORK, NY - USA	15:53

Waybill: 7414103900

Returned to shipper

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